

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

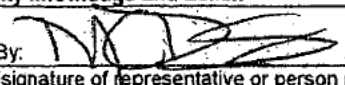
DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-224710	7-31-2018

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer AON a.k.a. Aon Risk Services Southwest, Inc.		b. Tel. No. (832)476-6000
		c. Cell No.
d. Address (street, city, state ZIP code) 5555 San Felipe, Suite 1500, Houston, TX	e. Employer Representative Ami N. Wynnee	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Houston, TX
i. Type of Establishment (factory, nursing home, hotel) Services corporation	j. Principal Product or Service Risk assessment & management	k. Number of workers at dispute location 500
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On (b) (6), 2018, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6) in retaliation for engaging in protected concerted activities, by inter alia, discussing (b) (6) hostile work environment and harassment and/or other terms and conditions of the workplace with co-workers.		

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No.
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (305)538-6800
By:  (signature of representative or person making charge)	Office, if any, Cell No.
Melba Rivera Esquire Print Name and Title	Fax No. (866) 647-8296
Address: 407 Lincoln Road, Miami Beach, FL	e-Mail melba.rivera@coane.com
Date: 7/30/2018	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



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August 1, 2018

AMI N. WYNEE
AON A.K.A. AON RISK SERVICES
SOUTHWEST, INC.
5555 SAN FELIPE, STE 1500
HOUSTON, TX 77056

Re: AON a.k.a. Aon Risk Services Southwest,
Inc.
Case 16-CA-224710

DEAR MS. WYNEE:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ARTURO LAUREL whose telephone number is (682)703-7230. If this Board agent is not available, you may contact Supervisory Field Attorney DAVID A. FOLEY whose telephone number is (682)703-7221.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be**

August 1, 2018

appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the

August 1, 2018

course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", with a stylized, flowing script.

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
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August 1, 2018

(b) (6), (b) (7)(C)

Re: AON a.k.a. Aon Risk Services Southwest,
Inc.
Case 16-CA-224710

DEAR (b) (6), (b) (7)(C)

The charge that you filed in this case on July 31, 2018 has been docketed as case number 16-CA-224710. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ARTURO LAUREL whose telephone number is (682)703-7230. If this Board agent is not available, you may contact Supervisory Field Attorney DAVID A. FOLEY whose telephone number is (682)703-7221.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

August 1, 2018

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc: MELBA RIVERA, ESQUIRE
COANE AND ASSOCIATES, PLLC
407 LINCOLN RD
MIAMI BEACH, FL 33139

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Aon Risk Services Southwest, Inc.

CASE 16-CA-224710

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Aon Risk Services Southwest, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

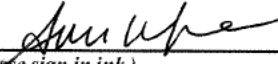
NAME: Ami N. Wynne

MAILING ADDRESS: Sidley Austin LLP, One South Dearborn Street, Chicago, Illinois 60603

E-MAIL ADDRESS: awynne@sidley.com

OFFICE TELEPHONE NUMBER: 312-853-7752

CELL PHONE NUMBER: 312-853-7752 FAX: 312-853-7036

SIGNATURE: 
(Please sign in ink.)

DATE: 8/22/2018

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

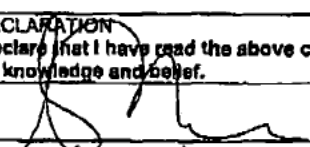
INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-224710	9/18/2018

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer AON a.k.a. Aon Risk Services Southwest, Inc.		b. Tel. No. (832)476-6000
		c. Cell No.
d. Address (street, city, state ZIP code) 5555 San Felipe, Suite 1500, Houston, TX	e. Employer Representative Ami N. Wynee	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Houston, TX
i. Type of Establishment (factory, nursing home, hotel) Services corporation	j. Principal Product or Service Risk assessment & management	k. Number of workers at dispute location 500
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On (b) (6), 2018, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6) in retaliation for engaging in protected concerted activities, by inter alia, discussing (b) (6) hostile work environment and harassment and/or other terms and conditions of the workplace with co-workers. Within six months prior to filing of this charge, the Employer discriminated against (b) (6), (b) (7)(C) by changing (b) (6) 2016 performance review rating to below expectations and rating (b) (6) below expectations in (b) (6) 2017 performance review in retaliation for engaging in protected concerted activities, by inter alia, discussing (b) (6) hostile work environment and harassment and/or other terms and conditions of the workplace with co-workers.		

3. Full name of party filing charge (If labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (713) 850-0066
By:  (signature of representative or person making charge)	Office, if any, Cell No.
Bruce Coane, Esquire Print Name and Title	Fax No.
Address: 5177 Richmond Ave, Suite 770, Houston, Texas 77056	e-Mail bruce.coane@coane.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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September 24, 2018

(b) (6), (b) (7)(C)

Re: AON a.k.a. Aon Risk Services Southwest, Inc.
Case 16-CA-224710

DEAR (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney ARTURO LAUREL whose telephone number is (682)703-7230. If the agent is not available, you may contact Supervisory Field Attorney DAVID A. FOLEY whose telephone number is (682)703-7221.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains

September 24, 2018

the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with a long horizontal stroke at the end.

TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc: MELBA RIVERA, ESQUIRE
COANE AND ASSOCIATES, PLLC
407 LINCOLN RD
MIAMI BEACH, FL 33139

BRUCE COANE, ESQUIRE
COANE AND ASSOCIATES, PLLC
5177 RICHMOND AVE
STE 770
HOUSTON, TX 77056



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September 24, 2018

AMI N. WYNEE
AON A.K.A. AON RISK SERVICES
SOUTHWEST, INC.
5555 SAN FELIPE
STE 1500
HOUSTON, TX 77056

Re: AON a.k.a. Aon Risk Services Southwest, Inc.
Case 16-CA-224710

DEAR MS.WYNEE:

Enclosed is a copy of the first amended charge that has been filed in this case.

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September 24, 2018

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Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with a large initial "T" and "W".

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

October 31, 2018

MS. AMI N. WYNEE
AON A.K.A. AON RISK SERVICES SOUTHWEST, INC.
5555 SAN FELIPE, SUITE 1500
HOUSTON, TX 77056

Re: AON
a.k.a. Aon Risk Services Southwest, Inc.
Case No. 16-CA-224710

DEAR MS. WYNEE:

This is to advise that I have approved the withdrawal of the portion of the charge which alleges the Employer violated Section 8(a)(1) of the Act by changing your performance review rating or gave you an unfavorable performance review rating for unlawful reasons.

The other allegation remains before me subject to further processing.

Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc:

(b) (6), (b) (7)(C)

MS. MELBA RIVERA, ATTORNEY
COANE AND ASSOCIATES, P.L.L.C.
407 LINCOLN ROAD
MIAMI BEACH, FL 33139

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**AON, A/K/A AON RISK SERVICES
SOUTHWEST, INC.**

and

Case 16-CA-224710

(b) (6), (b) (7)(C) , AN INDIVIDUAL

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Marianela Mena, an Individual (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (Board) and alleges that AON, a.k.a. Aon Risk Services Southwest, Inc. (Respondent) has violated the Act as described below.

1.

(a) The charge was filed by the Charging Party on July 31, 2018, and a copy was served on Respondent by U.S. mail on August 1, 2018.

(b) The first amended charge was filed by the Charging Party on September 18, 2018, and a copy was served on Respondent by U.S. mail on September 24, 2018.

2.

(a) At all material times, Respondent has been a corporation with an office and place of business in Houston, Texas, Respondent's facility, and has been a provider of risk management, insurance and other services.

(b) In conducting its operations annually, Respondent derived gross revenues in excess of \$1,000,000.

(c) In conducting its operations annually, Respondent purchased and received at its Houston, Texas facility goods valued in excess of \$50,000 directly from points outside the State of Texas.

3.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

5.

(a) From about October 2017 through about April, 2018, the Charging Party engaged in concerted activities with other employees for the purposes of mutual aid and protection, by discussing sexual harassment and work environment harassment in the office with other employees and by complaining about that conduct to Respondent.

(b) About (b) (6), (b) (7)(C) 2018, Respondent discharged the Charging Party.

(c) Respondent engaged in the conduct described above in paragraph 5(b), because the Charging Party engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

6.

By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 24, 2018, or postmarked on or before December 21, 2018.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted

to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **March 25, 2019, at 9:00 a.m.** at the NLRB Hearing Room at the Mickey Leland Federal Building, 1919 Smith St., Suite 1545, Houston, Texas 77002, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Fort Worth, Texas this 10th day of December, 2018.



TIMOTHY L. WATSON
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 Taylor St., Rm. 8A24
Fort Worth, TX 76102-6107

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 16-CA-224710

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

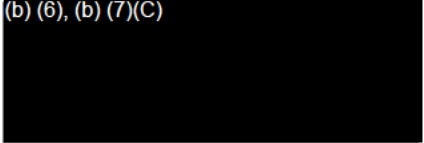
- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

AMI N. WYNEE
AON A.K.A. AON RISK SERVICES
SOUTHWEST, INC.
5555 SAN FELIPE, STE. 1500
HOUSTON, TX 77056

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED 70180680000017899299**

(b) (6), (b) (7)(C)



**CERTIFIED MAIL
70180680000017899305**

MELBA RIVERA , ESQUIRE
COANE AND ASSOCIATES, PLLC
407 LINCOLN RD.
MIAMI BEACH, FL 33139

FIRST CLASS MAIL

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**AON, A/K/A AON RISK SERVICES
SOUTHWEST, INC.**

and

Case 16-CA-224710

(b) (6), (b) (7)(C) , AN INDIVIDUAL

**RESPONDENT AON SERVICES SOUTHWEST, INC.'s
ANSWER AND DEFENSES TO COMPLAINT**

Respondent Aon Risk Services Southwest (“ARS” or “Respondent”), by its undersigned attorneys, for its Answer and Affirmative Defenses to the Complaint of Charging Party

(b) (6), (b) (7)(C) (“Charging Party”), hereby states as follows:

1.

(a) This charge was filed by the Charging Party on July 31, 2018, and a copy was served on Respondent by U.S. mail on August 1, 2018.

Answer No. 1(a): Respondent admits that the Charging Party filed a charge with the National Labor Relations Board dated July 20, 2018, and that a copy of that charge was served on August 8, 2018. Respondent lacks sufficient information or knowledge to form a belief about the truth or falsity of the remaining allegations of paragraph 1(a).

(b) The first amended charge was filed by the Charging Party on September 18, 2018, and a copy was served on Respondent by U.S. mail on September 24, 2018.

Answer No. 2(b): Respondent lacks sufficient information or knowledge to form a belief about the truth or falsity of the allegation that “[t]he first amended charge was filed by the Charging Party on September 18, 2018. Respondent denies each and every remaining allegation of paragraph 2(b), and specifically denies that Respondent has been properly served with any first amended charge in this matter.

2.

(a) At all material times, Respondent has been a corporation with an office and place of business in Houston, Texas, Respondent's facility, and has been a provider of risk management, insurance and other services.

Answer No. 2(a): Respondent admits the allegations of paragraph 2(a).

(b) In conducting its operations annually, Respondent derived gross revenues in excess of \$1,000,000.

Answer No. 2(b): Respondent admits the allegations of paragraph 2(b).

(c) In conducting its operations annually, Respondent purchased and received at its Houston, Texas facility goods valued in excess of \$50,000 directly from points outside the State of Texas.

Answer No. 2(c): Respondent admits the allegations of paragraph 2(c).

3.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.¹

Answer No. 3: Respondent admits the allegations of paragraph 3.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) [sic]

-

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

Answer No. 4: Respondent admits that, during Charging Party's employment with Respondent, (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) of Respondent's (b) (6), (b) (7)(C) practice, that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have been (b) (6), (b) (7) of Respondent within

¹ All references to the "Act" herein are to the National Labor Relations Act, 29 U.S.C. § 151, *et seq.*

the meaning of Section 2(11) of the National Labor Relations Act (the “Act”), and that with regard to certain matters, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were agents of Respondent within the meaning of Section 2(13) of the Act Respondent. Respondent denies each and every remaining allegation of paragraph 4.

5.

(a) From about October 2017 through about April, 2018, the Charging Party engaged in concerted activities with other employees for the purposes of mutual aid and protection, by discussing sexual harassment and work environment harassment in the office with other employees and by complaining about that conduct to Respondent.

Answer No. 5(a): Respondent admits that the Charging Party complained to Respondent in or around late January/early February 2018 about (1) the behavior of a former ARS client (who was not an employee of Respondent) whom (b) (6), claimed was sexually harassing (b) (6), and (2) two ARS employees whom (b) (6), claimed were engaging in inappropriate behavior in the workplace. Respondent denies each and every remaining allegation of paragraph 5(a).

(b) About (b) (6), (b) (7)(C) 2018, Respondent discharged the Charging Party.

Answer No. 5(b): Respondent admits the allegations of paragraph 5(b).

(c) Respondent engaged in the conduct described above in paragraph 5(b), because the Charging Party engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

Answer No. 5(c): Respondent denies each and every allegation of paragraph 5(c).

6.

By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

Answer No. 6: Respondent states that the allegations in paragraph 6 are conclusions of law to which no response is required. To the extent a response is required, Respondent denies each and every allegation of paragraph 6.

7.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

Answer No. 7: Respondent states that the allegations in paragraph 7 are conclusions of law to which no response is required. To the extent a response is required, Respondent denies each and every allegation of paragraph 7.

SEPARATE AND/OR AFFIRMATIVE DEFENSES

Without assuming any burden of production or persuasion not assigned to Respondent as any element of the claims in the Complaint, Respondent asserts the following defenses:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted, including without limitation for the reasons stated in these Separate and/or Affirmative Defenses.

SECOND DEFENSE

The Complaint fails to state a claim upon which relief may be granted because Charging Party repeatedly and intentionally engaged in misconduct that was not protected activity under the Act that resulted in Charging Party's discharge from employment.

THIRD DEFENSE

The Complaint fails to state a claim upon which relief may be granted because the misconduct for which Charging Party was discharged was neither "concerted" nor "for the mutual aid or protection" of other employees, but rather was exclusively in furtherance of (b) own personal, self-interest.

FOURTH DEFENSE

The Complaint fails to state a claim upon which relief may be granted to the extent it is based on alleged actions that are outside of the scope of the charge served in this matter pursuant to Section 10(b) of the Act.

FIFTH DEFENSE

The Complaint fails to state a claim upon which relief may be granted to the extent it is based on alleged actions that are barred by the applicable statute of limitations pursuant to Section 10(b) of the Act.

SIXTH DEFENSE

Charging Party's claims for damages and/or reinstatement are barred, in whole or in part, to the extent Respondent has obtained after-acquired evidence of Charging Party's misconduct that preceded any adverse employment action by Respondent.

SEVENTH DEFENSE

Charging Party's claims for damages are barred, in whole or in part, by (b) failure to exercise reasonable diligence to mitigate (b) alleged damages.

Dated: January 9, 2019

Respectfully submitted,

**RESPONDENT AON RISK SERVICES
SOUTHWEST, INC.**

By: 

One of its Attorneys

Ani N. Wynne (IL Bar # 6273277)
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Lakeisha R. Andress (IL Bar # 6323568)
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**AON, A/K/A AON RISK SERVICES
SOUTHWEST, INC.**

and

Case 16-CA-224710

(b) (6), (b) (7)(C) , AN INDIVIDUAL

**UNCONTESTED MOTION AND BRIEF IN SUPPORT
OF REQUEST TO POSTPONE FORMAL HEARING**

Respondent Aon Risk Services Southwest, Inc. (“Respondent”) respectfully requests that the Regional Director postpone the formal hearing scheduled in this matter until a date on or after May 6, 2019, for the reasons set forth herein. (b) (6), (b) (7)(C) (“Charging Party”), through (b) (6), (b) (7)(C) counsel, does not have any objection to this request. In support of this motion, Respondent states as follows:

1. On or about December 10, 2018, the National Labor Relations Board (the “Board”) issued the Complaint in this matter, alleging that Charging Party employment was terminated in violation of the National Labor Relations Act. Respondent has filed its Answer to the Complaint and served copies on Charging Party and (b) (6), (b) (7)(C) legal counsel in accordance with Board rules and procedures. A formal hearing has been scheduled in this matter for March 25, 2019.

2. Since the issuance of the Complaint, counsel for Respondent and counsel for Charging Party have been discussing potential resolution of Charging Party’s claims against Respondent, and agreed to engage a private mediator to assist them in doing so.

3. On February 18, 2019, Respondent, Charging Party, and their respective counsel participated in a confidential mediation session with a private mediator they engaged. The

mediation session lasted several hours, but unfortunately was interrupted due to a funeral that the mediator unexpectedly had to attend during the middle of the day. Under the unusual circumstances of the interrupted mediation, Respondent believes that continued discussions between Respondent and Charging Party can be productive in bringing this matter to resolution prior to a formal hearing.

4. Additionally, given the scope of this matter and the number of witnesses (which may include third parties) and other materials that Respondent anticipates presenting at the hearing, Respondent requires additional time to prepare its presentation of the case and to provide witnesses with appropriate notice to avoid scheduling conflicts with work-related matters and Spring Breaks in March and April, and the Easter holiday weekend.

5. This request for postponement of the formal hearing is timely and made in good faith. The granting of this request for this postponement will not prejudice Respondent, Charging Party or the Board in this matter and will provide an opportunity for the matter to potentially be resolved.

6. Charging Party has no objection to this request and postponement. A copy of this request is being served simultaneously on Charging Party (and the Board attorney assigned to this matter).

For the reasons set forth herein, Respondent respectfully requests that the Regional Director postpone the hearing until a date on or after May 6, 2019.

Dated: February 22, 2019

Respectfully submitted,

**RESPONDENT AON RISK SERVICES
SOUTHWEST, INC.**

By: /s/ Ami N. Wynne
One of its Attorneys

Ami N. Wynne (IL Bar # 6273277)
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**AON A.K.A. AON RISK SERVICES
SOUTHWEST, INC.**

and

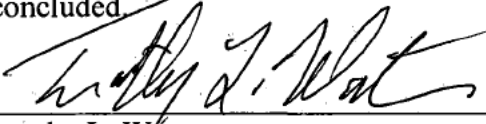
Case 16-CA-224710

(b) (6), (b) (7)(C) , an Individual

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from March 25, 2019 at 9:00 AM to July 29, 2019 at 9:00 AM at MICKEY LELAND FEDERAL BUILDING, 1919 SMITH STREET, SUITE 1545, HOUSTON, TX 77002. The hearing will continue on consecutive days until concluded.

Dated: March 6, 2019



Timothy L. Watson
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107